

Return Date: October 11th, 2018
Time: 2:31 P.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

MIGUEL A. FERRERAS,

Chapter 13
Case No. 18-11752 CGM

NOTICE OF MOTION

Debtor(s)

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PLEASE TAKE NOTICE, that upon the annexed application of

the Chapter 13 Trustee herein, a motion will be made before the Hon. Cecelia G. Morris, United States Bankruptcy Judge, at the United States Courthouse, located at One Bowling Green, New York, New York, on the 11th day of October, 2018 at 2:31 P.M. for an order dismissing the Chapter 13 case pursuant to 11 U.S.C. §1307(c)(1), (c)(4) and (c)(9) and §521(i) on the ground that there has been unreasonable delay by the debtor that is prejudicial to creditors, in that the debtor has failed to file, in part, copies of all payment advices or evidence of other payments received within 60 days inclusive of monthly business operating statements; failed to remit timely plan payments; and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served on the undersigned and filed with the Court no later than three (3) days prior to the return date of this motion, and (a) must comply with the Bankruptcy Court's electronic filing system in

accordance with General Order M-242 and Supplemental General Order M-269.

Dated: White Plains, New York
August 31st, 2018

/s/ Krista M. Preuss
Krista M. Preuss, Esq. (KMP7299)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-X

IN RE:

Chapter 13
Case No. 18-11752 CGM

MIGUEL A. FERRERAS,

APPLICATION

Debtor(s)

-X

TO THE HON. CECELIA G. MORRIS, BANKRUPTCY JUDGE:

1. The debtor filed the instant voluntary Chapter 13 proceeding on June 7th, 2018..
2. A hearing on confirmation was held on August 23rd, 2018.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1)

and (c)(4).

4. The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which requires the debtor to file, in part, copies of all payment advices or evidence of other payments received within 60 days, inclusive of monthly business operating statements for the rental business.

5. The debtor has failed to remit timely plan payments to the trustee, having remitted -0- payments and being, at this juncture, two months in arrears.

7. The debtor's plan fails to address secured claims.

8. The debtor having failed to comply with the abovementioned sections of the Bankruptcy Code, this Chapter 13 case should be dismissed pursuant to 11 U.S.C. §1307 (c)(1), (c)(4), (c)(9) and §521(i); and for such other and further relief as this Court may deem just and proper.

Dated: White Plains, New York
August 31st, 2018

/s/ Krista M. Preuss
Krista M. Preuss

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 18-11752 CGM

MIGUEL A. FERRERAS,

Debtor(s)

-----x

CERTIFICATE OF SERVICE

Lois Rosemarie Esposito, duly certifies:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York.

On August 31st, 2018, I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

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/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito